

ORDINANCE 122575

AN ORDINANCE relating to land use and zoning, amending Sections 23.34.010 and 23.34.072 of the Seattle Municipal Code to add an additional exemption to the rezone criteria used in the designation of single-family zones in the Northgate Overlay District.

WHEREAS, Seattle's Comprehensive Plan includes goals and policies related to creating strong and successful commercial and mixed-use areas, prioritizing the improvement and expansion of existing commercial areas, and preserving the character of single-family residential areas; and

WHEREAS, the proposed amendments to the Land Use Code were considered based on public input from the Pinehurst Community within the Northgate Overlay District; and

WHEREAS, the proposed amendments to the Land Use Code are consistent with the Comprehensive Plan and the Northgate Neighborhood Plan; NOW THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.34.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended as follows:

**23.34.010 Designation of single-family zones.**

A. Except as provided in subsections B or C of this section, single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the City Council determines that the area does not meet the criteria for single-family designation.

B. Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 ((only)) when all of the following conditions are met:

1. A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

2. The rezone is:

1 a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem  
2 (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage  
3 (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-  
4 Commercial (L1/RC), or

5 b. Within the areas identified on Map P-1 of the adopted North Beacon  
6 Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone  
7 with a 30' or 40' height limit.

8 C. Areas zoned single-family within the Northgate Overlay District, established pursuant  
9 to Chapter 23.71, that consist of one or more lots and meet the criteria for single-family zoning  
10 contained in subsection B of Section 23.34.011 may be rezoned through a contract rezone to a  
11 neighborhood commercial zone if the rezone is limited to blocks (defined for the purpose of this  
12 subsection C as areas bounded by street lot lines) in which more than 80% of that the block is  
13 already designated as a neighborhood commercial zone.

14 Section 2. Subsection B of Section 23.34.072 of the Seattle Municipal Code, which  
15 Section was last amended by Ordinance 120691, is amended as follows:

**23.34.072 Designation of commercial zones.**

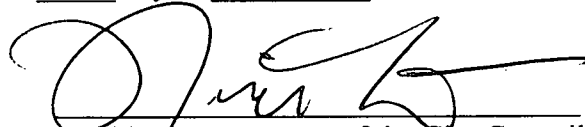
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B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones ((NC1 30(/L1, NC2 30(/L1 or NC3 30(/L1 only)) as provided in Section 23.34.010 (B).

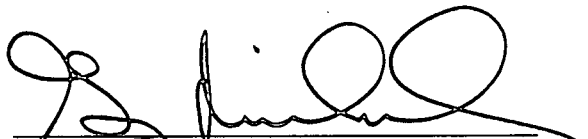
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Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

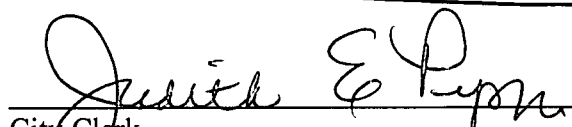
Passed by the City Council the 3<sup>rd</sup> day of December, 2007, and signed by me in open session in authentication of its passage this 3<sup>rd</sup> day of December, 2007.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 10<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 10<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
City Clerk

(Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
DPD	Brennon Staley/684-4625	Karen Grove/4-5805

**Legislation Title: Northgate Single Family Rezone Criteria**

An ordinance relating to land use and zoning, amending Sections 23.34.010 and 23.34.072 of the Seattle Municipal Code to add an additional exemption to the rezone criteria used in the designation of single-family zones in the Northgate Overlay District.

**Summary of the Legislation:**

The proposed legislation amends the Land Use Code to add an additional exemption to rezone criteria governing single-family zoning. The proposed legislation would allow single-family parcels in the Northgate Overlay District located on a block that is more than 80% zoned for neighborhood commercial development to be rezoned through a contract rezone to a neighborhood commercial zone.

**Background:**

The proposed legislation was prompted by a block in Northgate containing three single family parcels surrounded by neighborhood commercial use. An existing supermarket located on the block was interested in expanding its store to better serve the surrounding neighborhood. Despite community support, the expansion could not be permitted as envisioned because the three single family parcels could not be rezoned under existing criteria. Given that the block is already more than 80% neighborhood commercial, preventing consideration of a rezone would result in the maintenance of a business that is inadequate to meet community needs, and the remaining single-family structures would continue to be negatively impacted by surrounding commercial activity. The proposed amendment addresses this unique circumstance that is not adequately addressed under existing rezone criteria by allowing consideration of rezones in this limited condition where single-family zoning may not be desirable due to the predominately commercial character of a block.

Under current conditions, the block discussed above is the only area that would be eligible for a rezone under this legislation. Consequently, this legislation will be very limited in its application and will not have any financial implications.

*Please check one of the following:*

  X   **This legislation does not have any financial implications.**

Attachment 1: Director's Report and Recommendation

# State of Washington, King County

## City of Seattle

### ORDINANCE 122575

AN ORDINANCE relating to land use and zoning, amending Sections 23.34.010 and 23.34.072 of the Seattle Municipal Code to add an additional exemption to the rezoning criteria used in the designation of single-family zones in the Northgate Overlay District.

WHEREAS, Seattle's Comprehensive Plan includes goals and policies related to creating strong and successful commercial and mixed-use areas, prioritizing the improvement and expansion of existing commercial areas, and preserving the character of single-family residential areas; and

WHEREAS, the proposed amendments to the Land Use Code were considered based on public input from the Pinehurst Community within the Northgate Overlay District; and

WHEREAS, the proposed amendments to the Land Use Code are consistent with the Comprehensive Plan and the Northgate Neighborhood Plan; NOW THEREFORE,

#### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.34.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended as follows:

#### 23.34.010 Designation of single-family zones.

A. Except as provided in subsections B or C of this section, single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the City Council determines that the area does not meet the criteria for single-family designation.

B. Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 ~~(only)~~ when all of the following conditions are met:

1. A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

2. The rezoning is:

- To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-Commercial (L1/RC), or

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezoning is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30' or 40' height limit.

C. Areas zoned single-family within the Northgate Overlay District, established pursuant to Chapter 23.71, that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 may be rezoned through a contract rezoning to a neighborhood commercial zone if the rezoning is limited to blocks (defined for the purpose of this subsection C as areas bounded by street lot lines) in which more than 80% of the block is already designated as a neighborhood commercial zone.

Section 2. Subsection B of Section 23.34.072 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is amended as follows:

#### 23.34.072 Designation of commercial zones.

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B. Areas meeting the locational criteria for a single-family designation may be designated as certain commercial zones ((NC1-80/L1, NC2-80/L1 or NC3-80/L1-only)) as provided in Section 23.34.010 (B).

\*\*\*

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of December, 2007, and signed by me in open session in authentication of its passage this 3rd day of December, 2007.

Nick Licata

President of the City Council

Approved by me this 3rd day of December, 2007.

Gregory J. Nickels, Mayor

Filed by me this 10th day of December, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 17, 2007.

12/17(218496)

## **Director's Report and Recommendation**

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# **Amendment to Single Family Rezone Criteria in the Northgate Overlay District**

**September 2007**

### **I. Introduction**

The Department of Planning and Development (DPD) is proposing to amend the criteria in Seattle's Land Use Code pertaining to the zoning of single family areas in the Northgate Overlay District. The amendments would allow areas in the Northgate Overlay District that are currently zoned single family and are located on a block, defined as the area bounded by street lot lines, that is more than 80% zoned for neighborhood commercial development to be rezoned to neighborhood commercial.

The proposed amendment would also update an existing cross-reference to the single family rezone criteria to ensure the cross-reference does not inadvertently interfere with the intended meaning of the existing code or this amendment.

### **II. Background**

Single family zones are the single, most widely prevalent zone in Seattle. Single family zoned neighborhoods constitute approximately 65% of Seattle's land area. Because Seattle's Comprehensive Plan policies direct the City to protect and preserve single family neighborhoods, single family zones are subject to the most stringent rezone criteria, intended to discourage the erosion of single family zones, particularly where they transition to other more intensively zoned areas, such as multifamily or commercial.

Except in limited circumstances, single family zoned areas may not be rezoned if 70% or more of the existing structures along two facing block fronts are in single family residential use. In the Land Use Code, outside of downtown, blocks are generally defined as two facing block fronts abutting the same street. Only downtown is a block defined as an area bounded by street lot lines. While the code acknowledges that circumstances exist in which single family residences may not be the dominant land use on a block, it does not anticipate every possible circumstance. Such a circumstance has come to the City's attention in the Pinehurst neighborhood in the Northgate area. In Pinehurst the community has identified a situation in which the majority of a block is zoned and used commercially, but due to the rules of how structures are to be counted and how blocks are defined, the remainder of the block must remain in single family zoning, precluding redevelopment of the site. DPD believes that there is ample and



compelling evidence that allowing consideration of a rezone is warranted in such circumstances.

The proposed amendment was prompted by a proposal in the area bordered by 15<sup>th</sup> Avenue NE, 16<sup>th</sup> Avenue NE, NE 123<sup>rd</sup> Street, and NE 125<sup>th</sup> Street. A map of this area is attached as Appendix A. This block, as defined by the area bounded by street lot lines, currently is occupied by a supermarket, two smaller commercial buildings, and three single family homes. The entire block is in one ownership. More than 80% of the block is zoned NC3-40'; however, the three lots containing the three remaining single family structures in the southeast corner of the block are zoned single family. The supermarket has explored the possibility of expanding the existing store to better serve the surrounding neighborhood. As envisioned, the expansion would be permitted consistent with the Neighborhood Commercial 3 (NC3) zone that exists in the substantial majority of the block; however, because a portion of the lot is zoned single family and presently does not qualify for a rezone under the existing code criteria, the expansion of the store as envisioned by the owner and the neighborhood is not permitted. As a result, a continuation of existing conditions would mean the maintenance of a business that is inadequate to meet community needs, and the remaining single family structures would continue to be negatively impacted by surrounding commercial activity.

Given the demonstration of significant community support for the proposed expansion of the supermarket, the applicant and community recommended measures by which the rezone criteria could be applied to a block that was zoned primarily for commercial use, but retained a small area zoned single family that precluded desirable development of the remainder of the block. Because of the unique circumstances of the block in question, the amendment was limited in scope to the Northgate Overlay District. Consideration of extending the proposal to other similarly situated circumstances elsewhere in the city would require additional analysis and communication with affected neighborhoods.

### **III. Analysis**

DPD finds that the proposed amendment achieves flexibility in accommodating commercial uses where commercial use is already the dominant characteristic of the block (defined as an area bounded by street lot lines). Commercial or mixed-use developments can benefit significantly from a full block configuration allowing site plans to accommodate open space and other features, in addition to parking and structures, better integrating a development with a surrounding neighborhood. These land uses often require multiple entrances for deliveries, parking, and pedestrian entrances that may be difficult to accommodate on split-zoned blocks that limit potential configurations. The proposed amendment would allow a rezone in such circumstances only by contract, where a property use and development agreement that would accompany a contract rezone approval would allow the City and applicant to agree upon mitigation of any potential impacts on surrounding properties.

As the rezone criteria are limited to blocks that are already commercial in character, the potential rezone would not result in significant erosion of single family areas. Small islands of single family homes surrounded by commercial property generally do not present an ideal buffer between single family and commercial areas. These areas are likely to be significantly devalued and community interest may be better served by consistent zoning throughout a block.

The proposed amendment would also have very limited applicability. In assessing the impact of this amendment, it was determined that under existing conditions the property bounded by 15<sup>th</sup> Avenue NE, 16<sup>th</sup> Avenue NE, NE 123<sup>rd</sup> Street, and NE 125<sup>th</sup> Street is the only property that could potentially qualify for a rezone under this criteria within the Northgate Overlay District. The limited applicability of this amendment demonstrates that the circumstances considered address very particular conditions that warrant consideration under the City's Single Family rezone criteria, for which there is ample community support.

#### **IV. Recommendation**

The proposed amendments will promote the public interest by allowing the City to consider rezones in limited circumstances that may benefit the community by accommodating commercial or mixed uses that benefit from full block configurations when commercial use is already the dominant land use on the block. DPD recommends approval of the proposed amendments.



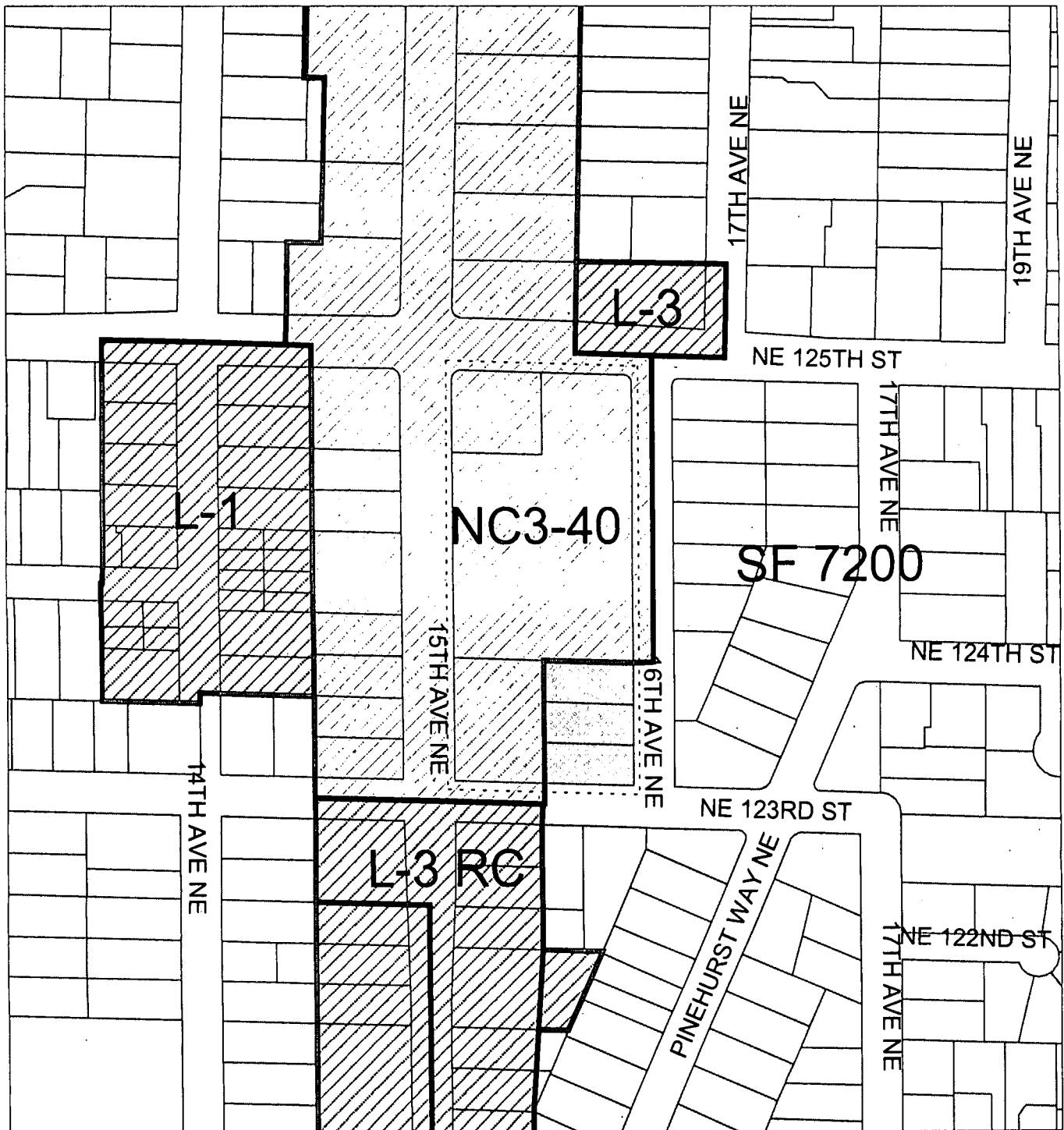


Attachment A: Appendix A, Single Family Rezone Criteria Director's Report

# Appendix A

Attachment A to the Director's Report

## Single Family Rezone Criteria Director's Report



- Parcels
- Zoning Shades
- Lowrise 1, L1/RC
- Lowrise 3, L3/RC
- Neighborhood Commercial 3
- Single Family, RSL
- Parcels potentially eligible for rezone
- Area bordered by 15th Avenue NE, 16th Avenue NE, NE 123rd Street, and NE 125th Street

100 0 100 200 300 400 500 Feet



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

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Prepared September 6, 2007 by DPD





**Legislative Department  
Seattle City Council  
Memorandum**

TO: Council Bill 116066 – file  
FROM: Michael Jenkins, Council Central Staff  
DATE: December 12, 2007  
RE: tracking version updates

Version 1 was introduced with the initial Council Bill while Version 3 was adopted by Council. Version 2 was an internal working document as part of staff review.



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

October 2, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill that amends single family rezone criteria in the Northgate Overlay District. The proposed legislation will give the City the flexibility to consider a contract rezone when more than 80% of a block is already designated for commercial use.

The proposed amendment was prompted by an existing supermarket desiring to expand to better serve the surrounding neighborhood. The supermarket is located on a block containing remnant single-family zoned parcels that limited a community-supported store expansion, but were ineligible to be considered for rezoning under the City's existing criteria. The supermarket has worked closely with the community, which supports the change to the rezone criteria that would be implemented upon passage of this Bill. A careful analysis by the Department of Planning and Development has demonstrated the exceptionally limited applicability of this amendment.

I will continue to protect Seattle's single-family neighborhoods and support criteria that allows rezones only when it can be clearly demonstrated that it is in the best interests of both the neighborhood and the City. I believe this is one of those cases. Thank you for your consideration of this legislation. Should you have questions, please contact Brennon Staley at 684-4625.

Sincerely,

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



**ORDINANCE \_\_\_\_\_**

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9 to Chapter 23.71, that meet the criteria for single-family zoning contained in subsection B of  
10 Section 23.34.011 may be rezoned through a contract rezone to a neighborhood commercial zone  
11 if the rezone is limited to blocks (defined for the purpose of this subsection C as areas bounded  
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14 Section 2. Subsection B of Section 23.34.072 of the Seattle Municipal Code, which  
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**23.34.072 Designation of commercial zones.**

\*\*\*

B. Areas meeting the locational criteria for a single-family designation may be designated as certain commercial zones ((NC1 30(/L1, NC2 30(/L1 or NC3 30(/L1 only)) as provided in Section 23.34.010 (B).

\*\*\*

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_, 2007, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_, 2007.

\_\_\_\_\_  
President \_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_, 2007.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_, 2007.

\_\_\_\_\_  
City Clerk

(Seal)



## STATE OF WASHINGTON – KING COUNTY

--SS.

218496  
CITY OF SEATTLE,CLERKS OFFICE

No.

## Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

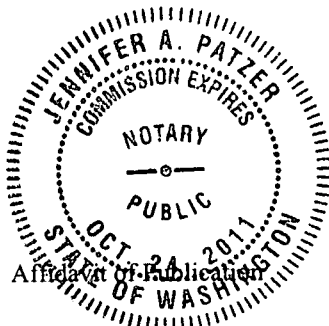
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122575 ORDINANCE

was published on

12/17/07

The amount of the fee charged for the foregoing publication is the sum of \$ 153.45, which amount has been paid in full.



and for the foregoing publication is the sum of \$ 155.45, which amount

*Samela Olesky*  
Subscribed and sworn to before me on  
12/17/07 *[Signature]*  
Notary public for the State of Washington,  
residing in Seattle